

Fresno, California

January 23, 2007

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council President
	Henry Perea	Council President

Andy Souza, City Manager  
James Sanchez, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Shenkara Sasdry of the Hindu Temple of Fresno gave the invocation, and President Perea led the Pledge of Allegiance.

**PROCLAMATION OF DIXIELAND JAZZ FESTIVAL DAY - PRESIDENT PEREA AND COUNCILMEMBER STERLING**

Read and presented.

**PRESENTATION TO CITY MANAGER SOUZA BY BROTHERHOOD OF THE BADGE - COUNCILMEMBER DUNCAN**

Presentation made.

**CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING AND RESOLUTION OF COMMENDATION TO THE REDEVELOPMENT AGENCY BY THE GOVERNMENT FINANCE OFFICERS ASSOCIATION OF THE UNITED STATES AND CANADA FOR ITS COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) FOR FISCAL YEAR ENDED JUNE 30, 2005 - COUNCILMEMBER DAGES**

Presented.

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**APPROVE MINUTES OF JANUARY 9, 2007**

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the minutes of January 9, 2007, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

COUNCILMEMBER WESTERLUND: (1) The significant deep freeze and when it would be appropriate for the City to adopt a resolution requesting the federal government's assistance, with City Manager Souza advising staff would look into options; and; (2) request for status report on policy requested previously to allow parking enforcement officers to cite vehicles parked illegally in driveways, with Mr. Souza advising staff would provide a status report this week.

ACTING PRESIDENT XIONG: Recommend the City partner/assist Central California Legal Services, Inc. (CCLS) and its partners in their Earned Income Tax Credit (EITC) campaign for low-to-moderate-income working families and especially now for those impacted by the freeze. At the conclusion of "Report and Comments" and at Acting President Xiong's request, CCLS Executive Director Chris Schneider submitted written material to Council on their EITC campaign, a copy of which is on file in the office of the City Clerk.

COUNCILMEMBER CALHOUN: (1) Request for status on the Fulton Mall discussion item in conjunction with the Fulton Mall study, with City Manager Souza responding; (2) rapid growth of the city and request for report on what is being considered relative to extending FAX bus routes to the new growth areas; (3) commendation to all involved in the downtown tree planting program; and (4) intent to bring forth next week a joint agenda item with President Perea on the Earned Income Tax Credit.

COUNCILMEMBER STERLING: (1) Congratulations to City Manager Souza on award received from Brotherhood of the Badge and commendation to Councilmember Duncan for his involvement; (2) request for report on Proposition 1 funds and other available state grant funds, with City Manager Souza advising a summary report would be submitted; (3) "Continuum with Care" and the homeless and request for status report on where the City is at on that issue with Fresno County, with Mr. Souza responding; (4) request City Manager officially ask Public Works, Economic Development, Planning & Development and Redevelopment Agency staff to attend/participate in 10x10 Committee meetings; (5) commendation to City on the successful Martin Luther King weekend events and request for report on status of City funding for the event, with Mr. Souza responding **(2 - 0)**; and (6) continued prayers for Planning & Development Director Yovino, thank you to City Manager for updates on his condition, and request for continued updates.

COUNCILMEMBER DAGES: (1) Request for update on prior request to allow children to ride in Handyride vehicles with their parents; and (2) request Police Department staff contact him relative to problems encountered with 9-1-1 dispatch, the flower vendor problem not being addressed, and lack of a police officer in attendance at meetings as requested.

COUNCILMEMBER DUNCAN: (1) Commendation to Councilmember Dages for being the auctioneer at the Sportsman's Club banquet last Saturday; (2) upcoming joint meeting with the Fresno Unified School District Board and request suggested agenda items be forwarded to President Perea; (3) report on ride-along with the Parks Department to recruit people to warming centers/shelters and commendation to staff involved in the operation and for their treatment of people at the centers; and (4) need to encourage the use of, and take pride in, sidewalk cafes and eateries and notice of intent to facilitate a task force including city staff to review rules, regulations and policies of the eateries in conjunction with the California Restaurant Association.

COUNCILMEMBER XIONG: Media packets from the press conference on the Earned Income Tax Credit submitted to Council by CCLS Executive Director Chris Schneider.

PRESIDENT PEREA: \$36 million in Measure C funds for advanced transportation technology and intent to bring forth an agenda item to begin the application process, with City Manager Souza advising preliminary discussions have occurred on the issue and staff would be bringing the matter forth in the very near future.

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#### **APPROVE AGENDA:**

**(1-Q) RESOLUTION - INTENT TO ANNEX FINAL TRACT NO. 5312 TO CFD NO. 2, ANNEXATION NO. 134 AND AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE PUBLIC HEARING FOR FEBRUARY 27, 2007**

City Clerk Klisch advised Item1-Q was a duplicate of Item 1-A and removed it from the agenda.

**(3:45 P.M.) DISCUSSION BY NAVIGANT CONSULTING RELATIVE TO THE REPORT INVESTIGATING THE STRATEGY, DEVELOPMENT AND FINANCIAL ANALYSIS IN THE FORMATION OF A SPECIAL UTILITY DISTRICT (PHASE 2)**

**1. DIRECT STAFF TO BEGIN THE PROCESS TO CHANGE THE GOVERNANCE STRUCTURE OF THE DEPARTMENT OF PUBLIC UTILITIES TO A MUNICIPAL WATER DISTRICT**

**2. APPROVE AN AMENDMENT TO THE AGREEMENT WITH NAVIGANT CONSULTING TO PREPARE A PLAN OF SERVICE REGARDING THE CHANGE OF GOVERNANCE STRUCTURE OF THE DEPARTMENT OF PUBLIC UTILITIES TO A MUNICIPAL WATER DISTRICT**

Councilmember Westerlund stated this was a significant matter and he was able to go through only some of the report and materials, stated he wanted to continue the matter to February 6, 2007, as a workshop with Navigant and staff present to lay out the issue and made a motion to that effect, and added Navigant was supportive of the delay. City Attorney Sanchez stated special legislation may be needed at the state level and the deadline for that was Friday, and City Manager Souza added besides the City Attorney's concern staff could live with a two week delay and, in addition, requested an action item be scheduled rather than a workshop so Council can give staff direction to proceed. Councilmember Westerlund stated both a workshop and action could be scheduled that day, and relative to the special legislation, and at the advice of the City Attorney, added to his motion direction to staff to submit a draft proposal to the legislative counsel to keep options open.

Councilmember Dages requested the workshop still be held this date so that Navigant can go over some of the report, with Councilmember Westerlund reiterating he had only been able to get through the first twenty pages of the executive summary and he would not be ready to ask the hard questions.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled 3:45 p.m. item scheduled for a workshop and action on February 6, 2007, and staff directed to submit a draft proposal to the legislative counsel to keep options open, by the following vote:

Ayes : Calhoun, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : Dages  
Absent : None

**(3:30 P.M. #2)** CONTINUED HEARING TO CONSIDER AMENDING THE MFS RES. 80-420 ADOPTING A FINDING OF CONFORMITY WITH THE GENERAL PLAN MEIR, AND INTRODUCTION OF AN ORDINANCE BILL ESTABLISHING NEW CITYWIDE AND NEW GROWTH AREA MAJOR STREET IMPACT FEES (Request to continue to March 27, 2007, at 10:00 a.m.)

Continued as requested.

**(3:30 P.M. #3)** HEARING TO CONSIDER INCREASE TO THE CURRENT CITYWIDE TRAFFIC SIGNAL IMPACT FEE AND AMENDING MFS RES. 80-420 (Request to continue to February 27, 2007, at 10:15 a.m.)

Continued as requested.

**(5:10 P.M. "C")** JOINT MEETING WITH THE REDEVELOPMENT AGENCY - AWARD A CONTRACT TO LEE CRIPPEN EXCAVATION IN THE AMOUNT OF \$43,460 FOR THE DEMOLITION AND CLEARANCE OF BUILDINGS LOCATED AT 1260 "A" STREET AND 4626, 4630 AND 4636 E. KINGS CANYON ROAD (To be rescheduled at a later date)

To be rescheduled at a later date.

**(5:30 P.M.)** HEARING REGARDING COUNCIL DISTRICT BOUNDARY CHANGES (Continue to January 30, 2007, at 4:00 p.m.)

Continued as noted.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent : None

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#### **ADOPT CONSENT CALENDAR:**

Councilmember Sterling registered a "no" vote on Item 1-L and pulled Item 1-M from the consent calendar for separate discussion, and Councilmembers Calhoun and Westerlund pulled Items 1-L and 1-G respectively, from the consent calendar.

**(1-A) RESOLUTION NO. 2007-10** - INTENT TO ANNEX FINAL TRACT NO. 5312 TO CFD NO. 2, ANNEXATION NO. 134 AND AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE PUBLIC HEARING FOR FEBRUARY 27, 2007

**(1-B) RESOLUTION NO. 2007-11** - 12<sup>TH</sup> AMENDMENT TO THE SALARY RES. 06-257 MODIFYING WAGES OF TEMPORARY CLASSIFICATIONS SERVING THE AQUATICS AND REGIONAL PARKS PROGRAMS IN THE PR&CS DEPARTMENT, AND MAKING ADJUSTMENTS IN RESPONSE TO MINIMUM WAGE INCREASES

**(1-C)** ITEM REMOVED FROM THE AGENDA

**(1-D) RESOLUTION NO. 2007-12** - 14<sup>TH</sup> AMENDMENT TO THE SALARY RES. 06-257 ADDING THE CLASSIFICATION OF STREET MAINTENANCE SUPERINTENDENT

**(1-E) RESOLUTION NO. 2007-13** - APPROVING THE FINAL MAP OF TRACT NO. 5400 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, SOUTHEAST SIDE OF W. GETTYSBURG AND N. HAYES AVENUES

**1.** AUTHORIZE THE PUBLIC WORKS DIRECTOR, THE PUBLIC UTILITIES DIRECTOR, AND THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

**(1-F) RESOLUTION NO. 2007-14** - APPROVING THE FINAL MAP OF TRACT NO. 5557 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, WEST SIDE OF N. POLK BETWEEN W. SHAW AND W. SANTA ANA AVENUES (4887 N. POLK)

**(1-H)** CONSIDER THE PROPOSED DAKOTA-TEMPERANCE NO. 1 REORGANIZATION AND APPROVAL TO FILE WITH LAFCO FOR DETACHMENT OF THE PROPERTY FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE TERRITORY TO THE CITY OF FRESNO

**1.** CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING FOR THE E.A. DATED DECEMBER 21, 2006, THAT THE PROJECT PROPOSAL CONFORMS TO THE PROVISIONS OF THE GENERAL PLAN MEIR

**2. RESOLUTION NO. 2007-15** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED DAKOTA-TEMPERANCE NO. 1 REORGANIZATION

**(1-I)** APPROVE TWO VACANT REAL PROPERTY PURCHASES LOCATED AT 125 AND 129 N. DIANA STREET UTILIZING \$133,250 IN HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM FUNDS FOR SINGLE-FAMILY AFFORDABLE INFILL HOUSING

**(1-J)** AUTHORIZE THE CHIEF OF POLICE TO ACCEPT SPONSORSHIP FUNDING FROM THE CALIFORNIA ENDOWMENT, FRESNO REGIONAL OFFICE, FOR THE NOVEMBER GANG PREVENTION SUMMIT

**1. RESOLUTION NO. 2007-16** - 51<sup>ST</sup> AMENDMENT TO THE AAR 06-253 APPROPRIATING \$1,000 TO BE USED AS SPONSORSHIP FUNDING FOR THE SUMMIT

**(1-K)** AUTHORIZE THE CHIEF OF POLICE TO EXECUTE THE REQUIRED PROGRAM DOCUMENTS FOR ACCEPTANCE OF THE CALIFORNIA KIDS' PLATES PROFESSIONAL DEVELOPMENT GRANT OF \$1,500

**1. RESOLUTION NO. 2007-17** - 53<sup>RD</sup> AMENDMENT TO AAR 06-253 APPROPRIATING THE \$1,500 TO COVER THE COST FOR TWO OFFICERS TO ATTEND A CONFERENCE THROUGH THE CALIFORNIA KIDS' PLATES GRANT

**(1-N)** APPROVE THE SALE OF A 1,650 SQUARE FOOT ABANDONED WATER WELL SITE AT 7644 N. CHARLES AVENUE TO ADJACENT PROPERTY OWNER SONIA TUTELIAN; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND COMPLETE THE DISPOSAL OF THE ABANDONED WATER WELL SITE TO THE ADJACENT PROPERTY OWNER

**(1-O)** APPROVE THE SALE OF A 12,005 SQUARE FOOT PROPOSED WATER WELL SITE AT THE INTERSECTION OF W. ALAMOS AND N. SHIRAZ AVENUE TO CENTEX HOMES; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE GRANT DEED AND COMPLETE THE RECONVEYANCE OF THE WATER WELL SITE

**(1-P) RESOLUTION NO. 2007-18** - APPROVING AN AGREEMENT WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR THE DESIGN OF A NON-MASTER PLAN PIPELINE TO PROVIDE STORM WATER DRAINAGE FOR THE HUGHES AND FLORADORA INTERSECTION, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN ALL RELATED DOCUMENTS ON BEHALF OF THE CITY

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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**(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED ORAL COMMUNICATION**

Upon call, no one wished to be heard.

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**(9:15 A.M. “A”) ADOPT AN INCENTIVES PROGRAM TO ENCOURAGE NEW DOMESTIC AIR SERVICES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT**

Aviation Director Widmar reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Councilmember Westerlund commended Mr. Widmar for his leadership and presented questions relative to Mexicana’s service level, what cities are being targeted for new service, incentives and how shortfalls will be made up, and if the FAA was supportive of this. A motion and second was made to approve staff’s recommendation. Mr. Widmar responded to questions of President Perea relative to what the 120 day waiver will mean financially for the airline, how the 120 day number was arrived at, and if staff felt carriers would take advantage of this program if approved.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the Incentives Program for Scheduled Domestic Air Services to encourage non-stop passenger air services between US cities that are not currently so served and Fresno Yosemite International Airport hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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**(9:15 A.M. “B”) RESOLUTION - FORMATION OF A TAX EXEMPT NON-PROFIT ENTITY FOR THE PRIMARY PURPOSE OF PRODUCING AFFORDABLE HOUSING AND CREATING ECONOMIC DEVELOPMENT OPPORTUNITIES, AND AUTHORIZING EXECUTION OF NECESSARY DOCUMENTS**

HCD Manager Sigala gave an in-depth overview of the issue, all as contained in the staff report as submitted, and recommended approval.

Keith Kelley, Fresno West Coalition, stated he was unclear as to what this entity would do and requested action be delayed to allow for interaction of staff and the existing CHDOs .

Councilmember Calhoun stated staff addressed his questions well and advised he wanted to see accountability and for staff and/or Council to oversee the local or state monies (with Mr. Sigala stating protections could be included), upon his question City Attorney Sanchez clarified staff would return for final approval after preparation of the necessary documents for formation of the corporation, and made a motion to approve staff’s recommendation. Councilmember Dages seconded the motion and commended staff.

Lengthy discussion ensued with Mr. Sigala and Mr. Sanchez responding to questions and comments of Councilmembers Sterling, Westerlund and Xiong relative to the governance structure, how this type of entity has worked for other cities, if this would be a learning opportunity for disadvantaged youth/low income residents and if they would be hired **(3 - 0)**, what the ultimate goal was of having the housing non-profit and the link to economic development, what a CHDO was, staffing concern if the entity becomes too busy, concern with duplication of efforts, support for assisting the existing CHDOs to increase their capacity to spend the dollars and provide services, if this resolution would form the non-profit, desire to see a list of the opportunities that were missed, and concern with the lack of inclusionary participation and desire to see the support of other community-based organizations. Councilmember Duncan stated he was uncomfortable when he first saw this and was concerned an entity would be created that would compete with some quality non-profits, and stated it would make more sense to empower and increase the capacity of the non-profits who are committing their lives to what they believe in. Councilmember Sterling stated this was an opportunity for the City to take a step in addition to what is already out there, spoke to the need for affordable housing and to how a lot of people are not aware of what the City is trying to do here, clarified she was appreciative of each organization and what they have done but added she has also seen what is not getting done, reiterated this would be an additional tool that was very much needed now and commended the City for taking this aggressive step, stated additional staff would not be needed and added staff has been doing a commendable jobs, and requested staff set up a meeting with all the different non-profits and explain what can be done as a partnership.

Assistant City Manager Ruiz stated affordable housing was a challenge in this community and staff had done an excellent job over the years, stated this was an opportunity to expand the pie and bring more partnerships and collaborative efforts to the table and added the intent was not to close doors on other opportunities, and stated he hoped Council would move forward on this. Acting President Xiong clarified the process was not sufficient for him in terms of being inclusive with other partnerships, whereupon Mr. Sigala stated he would not bring this matter back if he can not get consensus from the other CHDOs.

Councilmember Duncan stated Acting President Xiong made a good point and made a motion to table this matter to February 27<sup>th</sup> to allow housing staff to meet/formalize some input from the community.

On motion of Councilmember Duncan, seconded by Acting President Xiong, duly carried, RESOLVED, the above entitled 9:15 a.m. “B” item tabled to February 27, 2007, to allow time for staff to formalize community input, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund, Xiong, Perea
Noes	:	Sterling
Absent	:	None

President Perea stated staff will find Council support if they can make the CHDOs feel this is not a City attempt to overtake what they are doing.

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**(10:00 A.M.) HEARING ON ANNEXING FINAL TRACT NO. 5461 TO CFD NO. 2, ANNEXATION NO. 132**

**1. RESOLUTION NO. 2007-19 - ANNEXING TERRITORY**

**2. RESOLUTION NO. 2007-20 - CALLING A SPECIAL MAILED-BALLOT ELECTION FOR THE NEW SPECIAL TAX**

**3. RESOLUTION NO. 2007-21 - DECLARING ELECTION RESULTS**

**4. BILL NO. B-2 - ORDINANCE NO. 2007-3 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2007-2007 AND FUTURE TAX YEARS**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Chief Engineering Technician Witzel advised the staff report as submitted was complete and there was no new information to add.

Craig Smith, Denmar Homes, 7050 N. Fresno #105, requested Council’s support.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2007-19, 2007-20 and 2007-21 hereby adopted, and the above entitled Bill No. B-2 adopted as Ordinance No. 2007-3, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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**(10:30 A.M.) BILL NO. B-3 - AMENDING, REPEALING AND ADDING SECTIONS TO AND OF THE FRESNO MUNICIPAL CODE RELATING TO LOCAL PREFERENCE IN COMPETITIVE PROCUREMENT PROCESSES - COUNCILMEMBER DAGES**

Councilmember Dages reviewed the issue stating his intent was to give opportunities to local businesses, commended Dr. Avalos and Dr. Birdyshaw from Fresno State for preparing the report attached to his memo to Council and Senior Deputy City Attorney Algier for her work and assistance, and spoke further to the issue and intent and made a motion to introduce the ordinance bill, which motion was seconded by Councilmember Sterling.

City Attorney Sanchez, Councilmember Dages, Ms. Algier and Assistant City Manager Rudd responded to questions and/or comments of Councilmembers Calhoun and Westerlund relative to taking a cautious approach, need for Council to get more information and for staff to conduct an analysis, if the motion on the floor would implement this proposal, concerns/questions with the 25-mile radius and the \$250,000 cap, and the preference categories, percentages, and when they apply **(4 - 0)**.

Councilmember Calhoun stated he wanted staff to conduct an analysis of this proposal along with an analysis on a county border radius rather than the 25 mile radius and made a motion to that effect. Upon call, the motion died for lack of a second. Councilmember Calhoun made another motion to table the matter to allow time for staff to report back on the impact of this proposal on the city along with extending the 25 mile radius to county borders. Upon call, the motion died for lack of a second.

Councilmember Duncan spoke in support and commended Councilmember Dages for doing the work and bringing this forth, and stated this should have been done a long time ago. Assistant City Manager Ruiz noted staff worked with Councilmember Dages in bringing this forth and stated there were some positive aspects to this proposal; stated Purchasing staff would be asked analyze bids and awards as this preference goes forward as there was a responsibility to ensure there is no taking advantage of the preference by a local company; and responded to questions of Councilmember Calhoun relative to whether staff did analyzed this proposal, if staff and the Mayor were comfortable with it, and if staff was recommending approval. Councilmember Calhoun stated he would support the motion but added he was disappointed staff did not attach a report to this item stating their support and recommendation. President Perea spoke briefly to his support stating this was in line with his philosophical view of economic development and added the City needed to support its “home-grown folks”.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Bill No. B-3 introduced before the City Council and laid over, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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**(11:00 A.M.)** CONSIDER DIRECTION TO STAFF RELATIVE TO THE CITY’S FINANCIAL INVESTMENT POLICY - COUNCILMEMBER WESTERLUND

**1. DIRECT STAFF TO AMEND THE POLICY AS FOLLOWS:**

- (a) INCREASE AMOUNT OF THE TOTAL INVESTMENT PORTFOLIO PERCENTAGE DESIGNATED TO BE INVESTED IN LOCAL FINANCIAL INSTITUTIONS FROM 2% TO 4%
- (b) DEFINE A LOCAL FINANCIAL INSTITUTION ELIGIBLE FOR LOCAL FINANCIAL INSTITUTION BANKING DOLLARS AS A BANKING ENTITY THAT IS FOUNDED AND HEADQUARTERED IN ANY OF THE CENTRAL VALLEY COUNTIES OF FRESNO, MADERA, MERCED, KINGS OR TULARE
- (c) REQUIRE ANY FINANCIAL INSTITUTION RECEIVING CITY INVESTMENT DOLLARS TO REPORT AND SHOW ON AN ANNUAL BASIS THAT THE ENTITY MADE LOANS WITHIN THE CITY IN LOW INCOME CENSUS TRACKS OF NO LESS THAN \$250,000 PER YEAR; AND

**2. DIRECT STAFF TO REVIEW, ANALYZE AND RETURN WITH RECOMMENDATION ON NEW LAW AB 2011 FOR THE SUITABILITY OF PROVIDING AN INVESTMENT FUND FOR LOW INCOME HOUSING AND OTHER POTENTIAL PROJECTS WITHIN THE CITY**

Councilmember Westerlund gave an in-depth review of the issue, all as contained in his report to Council as submitted elaborating on each of the proposed amendments, and requested Council’s support.

Speaking in support of the issue were: Keith Kelley, Fresno West Coalition; and Debbie Hunsacker, representing the Greater Area Chamber of Commerce.

Councilmember Sterling expressed her support and stated this would definitely help the 10x10 goal, and requested a list of the local institutions being used and information on what can be done to expand on the list and the amount of money.

A motion and second was made to approve the direction as outlined above.

City Manager Souza and Councilmember Westerlund responded to questions and comments of Councilmember Duncan relative to whether this detailed proposal was the Administration’s proposal as well, how long it will take staff to come back with a supportive document, it being better to look at these recommendations as part of a broader strategy and work with staff to come back with an agreed upon proposal due to staff’s expertise in some areas, and if the motion could be modified to direct staff to return with Councilmember Westerlund on March 1<sup>st</sup> with a recommended new investment policy setting these goals. Councilmember Westerlund stated he would be supportive of anything staff brings back that is above, beyond or modifies his recommendations.

Councilmember Westerlund responded to questions of Acting President Xiong and Councilmember Dages relative to the investment percentage cap and whether a certain percentage would stay within the city of Fresno, why Councilmember Westerlund was doing this if staff was already doing it, and if staff had no problem with this direction. President Perea spoke to his support and stated he looked forward to what staff will bring back, and advised he was working on an individual development account program and a local entrepreneurship program and if this passed he hoped to use some of the money to fund some ideas.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, staff directed to (1) amend the City of Fresno Financial Investment Policy as outlined above in items “a” through “d” and return to Council with the amended policy for approval by March 1, 2007, and (2) review, analyze and return with recommendation on new law AB 2011 for the suitability of providing an investment fund for low income housing and other potential projects within the city of Fresno, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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**(2-A) DISCUSSION REGARDING PARK AND RIDE FACILITIES - COUNCILMEMBER WESTERLUND**

1. ESTABLISH A CITY POLICY TO ENTER INTO A PARTNERSHIP WITH THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) TO IDENTIFY, DESIGN AND BUILD A SERIES OF PARKS-AND-RIDE FACILITIES AT MAJOR TRANSPORTATION JUNCTIONS WITHIN THE CITY OF FRESNO
2. DIRECT CITY AND AGENCY STAFF, IN COOPERATION WITH THE SJVAPCD AND THE UNION PACIFIC RAILROAD, TO DESIGN AND BUILD A PARK-AND-RIDE FACILITY AT THE SOUTHEAST CORNER OF HERNDON AND GOLDEN STATE BOULEVARD

Councilmember Westerlund gave an in-depth review of the issue, all as contained in his report to Council as submitted, and requested Council’s support.

**(5 - 0)** Seyed Sadredin, Executive Director of the SJVAPCD, spoke in support of the proposal and to the importance of addressing air quality problems.

Councilmember Sterling stated she wanted to see staff look at transportation and gas tax monies and other available funding sources before tapping into Redevelopment Agency funds. Councilmember Dages stated he would like to see the park-and-rides also used for semi trucks who park overnight, and presented questions/concerns relative to whether construction of the facilities would go out to bid, how much the SJVAPCD would contribute financially, if land would be purchased or leased, and reservations relative to costs and how to balance road tax dollars, with Councilmember Westerlund responding throughout. Councilmember Calhoun left the meeting at 11:55 a.m. for a teaching engagement and was present for the afternoon session.

Councilmember Duncan suggested Councilmember Westerlund also make a presentation to the Fresno County Transportation Authority as this fell within their ability to move it forward, stated the private sector should not be overlooked as they had the opportunity to build park-and-rides and spoke to the one being built at Copper and Friant at no expense to the taxpayer, and encouraged the motion include direction to staff to return with development policies that would look for suitable places for park-and-rides and provide them when development occurs, with Councilmember Westerlund responding. Councilmember Duncan stated encouraging park-and-rides in project developments whenever the opportunity presents itself should be a policy at the very minimum. Acting President Xiong stated information on maintenance costs, partnerships, funding sources, pilot program, and user comments would be helpful.

President Perea advised Councilmember Calhoun wanted to comment but had to leave to teach a class and the matter was continued to 2:00 p.m.

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**LUNCH RECESS - 12:02 P.M. - 2:01 P.M.**

**(2-A) DISCUSSION REGARDING PARK AND RIDE FACILITIES - COUNCILMEMBER WESTERLUND (Continued from earlier)**



Councilmember Calhoun stated he was very supportive of the proposal and referencing Councilmember Dages' comment on overnight semi trucks advised the Highway 99 Beautification Committee discussed putting in a truck stop/Caltrans rest stop at the Herndon/Golden State location and he led the case and the committee and area residents were strongly opposed to having a truck/rest stop there, and clarified anything but a park-and-ride would not be supported. President Perea expressed his support for the proposal and relative to the truck stop issue stated he also had key places in his district where semi-trucks park and suggested that issue be addressed in another comprehensive way.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the establishment of a policy to enter into a partnership with the San Joaquin Valley Air Pollution Control District to identify, design and build a series of Park-and-Ride facilities at major transportation junctions within the city of Fresno hereby approved, and City and Agency staff directed, in cooperation with the Air Pollution Control District and the Union Pacific Railroad, to design and build a Park-and-Ride facility at the southeast corner of Herndon and Golden State Boulevard, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

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**(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:**

**(1-G) RESOLUTION NO. 2007-22 - REALLOCATING \$1,163,000 FROM THE PALM AND DAKOTA TRANSMISSION MAIN PROJECT TO PROVIDE ADDITIONAL APPROPRIATIONS FOR THE DESIGN AND CONSTRUCTION OF A 30" WATER TRANSMISSION MAIN IN CHESTNUT AVENUE FROM SHAW TO SAMPLE AVENUES**

Councilmember Westerlund noted this was related to the Campus Pointe project and requested staff press forward on making Chestnut four lanes from Bullard south to Barstow so that a choke point is not perpetuated, with City Manager Souza responding and advising staff was working with the University on the issue.

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2007-22 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea
Noes	:	None
Absent	:	None

**(1-L) RESOLUTION NO. 2007-23 - AUTHORIZING A ONE-YEAR REQUIREMENTS CONTRACT WITH TWO ONE-YEAR RENEWALS FOR MOBILE DATA SYSTEM (MDS) HARDWARE FROM HUBB SYSTEMS, LLC, D.B.A. DATA 911, IN THE AMOUNT OF \$379,747, AND A ONE-YEAR REQUIREMENTS CONTRACT WITH TWO ONE-YEAR RENEWALS FOR RADIO MODEMS FROM DATARADIO CORPORATION IN THE AMOUNT OF \$144,956.44, WITHOUT ADVERTISED COMPETITIVE BIDDING**

Capt. Rhames and City Manager Souza responded to questions, comments and concerns of Councilmember Calhoun and/or clarified issues relative to interoperability with the Sheriff's Department and others, if this purchase would move interoperability closer together, concern with the amount of time spent on the consolidation issue and not hearing/seeing that the City is working in that direction with the other entities, Mr. Souza clarifying the issue this date was the purchase of equipment for replacement and future police vehicles coming into the fleet, acknowledgment that consolidation has not yet been formally addressed but there being a tie-in here, and this being a good time to take a step back to address the consolidation issue and have staff report back on why the City needs to keep going down this path rather than stopping. Councilmember Calhoun made a motion to bring this item back in two weeks along with information on interoperability, which motion was seconded by Councilmember Dages.

Councilmember Westerlund advised he sat on the joint dispatch committee and with the consolidation report not yet out stated some people commented prematurely on the issue, stated the motion on the floor and this item were completely unrelated and clarified this was about keeping equipment up-to-date to communicate with the current system, advised the upcoming consolidation report would address data sharing capability between Data 911 and the Motorola system that the Sheriff's Department has entered into a contract for but has not yet started implementing, and urged Council to approve this item and let the consolidation report unfold as it should. Capt. Rhames further explained what was at issue.

Councilmember Dages stated until consolidation gets going in the right direction he was not going to approve any money for the Police Department, stressed consolidation was taking too long and was being procrastinated and this was just another step of spending \$379,000 and still not getting to consolidation, and added it was his understanding the Administration's position was to not consolidate and he felt that was wrong. Capt. Rhames clarified this would not impact consolidation one iota, and City Manager Souza clarified (1) the Administration had not taken a position on consolidation, (2) if a decision were made this date to scrap the current system and move to the Motorola system being used by the County it would be at least one year before the system would be up and operational, (3) this one year contract would still be needed to stay in business for the upcoming year until the transition to Motorola is made, and (4) this contract was needed to keep the Police Department staff equipped with the technology and data needed to do their job. Councilmembers Sterling and Duncan both commented briefly on the issue and in support of staff's position and recommendation.

A motion of Councilmember Calhoun, seconded by Councilmember Dages, to bring this item back in two weeks along with information on intergovernmental interoperability failed, by the following vote:

Ayes : Calhoun, Dages  
Noes : Duncan, Sterling, Westerlund, Xiong, Perea  
Absent : None

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2007-23 hereby adopted, by the following vote:

Ayes : Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : Calhoun, Dages  
Absent : None

**(1-M) CONSIDER APPROVAL OF AN INTERIM CONTRACT FOR THE BENEFICIAL REUSE OF A PORTION OF THE CITY BIOSOLIDS AND ENVIRONMENTAL FINDINGS**

**1. RESOLUTION NO. 2007-24 - MAKING NECESSARY PUBLIC HEALTH AND SAFETY FINDINGS UNDER CEQA GUIDELINES EXEMPTING AWARD OF INTERIM CONTRACT BASED ON AN EMERGENCY**

**2. APPROVE A SIX MONTH INTERIM CONTRACT WITH MCCARTHY FAMILY FARMS FOR THE BENEFICIAL REUSE OF A PORTION OF CITY BIOSOLIDS**

Upon the request of Councilmember Sterling, Assistant Wastewater Management Director Hogg explained the background and status of the issue and advised even though the process has taken a considerable amount of time staff had been assured by the CEQA consultant that they will be able to complete the EIR through this extension process and staff would not be back again asking for another extension.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2007-24 hereby adopted, and a six-month interim contract with McCarthy Family Farms hereby approved, by the following vote:

Ayes : Calhoun, Dages, Duncan, Westerlund, Xiong, Perea  
Noes : Sterling  
Absent : None

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**(2:00 P.M. #2) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: LANCE KASHIAN, INCLUDING CERTAIN "KASHIAN ENTITIES" V. COF**

The City Council met in closed session in Room 2125 at the hour of 2:28 to consider the above matter and reconvened in regular open session at 3:00 p.m.

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**(3:00 P.M.) WORKSHOP ON PROSECUTION OF GRAFFITI OFFENDERS**

Chief Dyer and Graffiti Bureau staff Lt. Laband and Prosecutor/Deputy City Attorney Sahashian gave an in-depth PowerPoint presentation on the issue which included the vision, organizational chart, **(6 - 0)** accountability, abatement, community outreach, and prosecution.

Roselyn Clark, President of Fresno Police and Neighborhood Watch Association, spoke to the graffiti problem and to their efforts and accomplishments over the years.

Councilmembers Westerlund, Calhoun, Xiong, Dages, Duncan and President Perea commended staff for all their work, efforts and accomplishments and presented questions and/or comments relative to what happens after arrests are made, if a restitution fund has been considered, the need to address visible graffiti on backs of fences and buildings along railways, if staff has considered having parents attend classes, support for the community outreach, arrests and number of prosecutions, **(7 - 0)** if the State provides reimbursement for covering the freeways, how the county island operation was working, number of calls received normally and number during the contest, graffiti abatement being “painfully” underfunded and need for Council to request funding be doubled next fiscal year, and graffiti affecting people in different ways, with Chief Dyer, Lt. Laband and City Manager Souza responding throughout. There was no further discussion.

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**(3:30 P.M. #1) RESOLUTION NO. 2007-25 - EXPRESSING THE CITY’S INTENT TO ADOPT A CITYWIDE IMPACT FEE FOR LOCAL REGIONALLY SIGNIFICANT MAJOR STREETS AND AN IMPACT FEE FOR LOCAL MAJOR STREETS IN THE DESIGNATED GROWTH AREA TO IMPLEMENT THE GOALS, OBJECTIVES AND POLICIES OF THE 2025 GENERAL PLAN**

Assistant City Manager Ruiz gave opening remarks and Interim Planning & Development Director Bergthold reviewed the issue and the highlights of the resolution of intention, all as contained in the staff report as submitted.

Speaking to the issue were: Don Pickett, Central California Development Council, and Mike Prandini, Building Industry Association, who requested the \$423 million number not be cast in stone and that a Council sub-committee be established so members can attend meetings and become fully informed and direct policy decisions.

Councilmember Calhoun spoke to the background of the issue, to his disappointment that the City has not moved fast enough, to his failed attempt for a moratorium, and to how he would only support the staff recommended structure but without a three-year phase-in, and made a motion to approve the above entitled Resolution of Intention *deleting the three-year phase-in*, which motion was seconded by Councilmember Duncan.

Extensive discussion ensued with Assistant Public Works Director Kirn, City Attorney Sanchez, Mr. Bergthold, Mr. Pickett, Mr. Prandini and Mr. Ruiz responding to numerous questions, comments and/or concerns of Councilmembers Duncan, Dages, Sterling, Xiong, Westerlund and President Perea relative to the difference of opinion with the \$423 million, the problem of pinch-points, how the current fee structures deals with pinch-points, if the City Attorney was supportive of this resolution, if staff felt \$423 million was *the* number, the waiver of fees for affordable housing, concern with the change from quadrant-based fees to citywide and having to start all over, how the City should have accepted the industry’s proposal to double fees, why a Mello-Roos was not a part of this, if any of the fees will be used to pay off existing UGM, what was “so broken” about the UGM program, if staff has considered the industry going elsewhere to build or building only one-half of what is anticipated if fees are raised too high, concern with how to explain the fees to the people, how the fees can be justified **(8 - 0)**, Councilmember Sterling stating she felt this matter was still in the talking stage and not at a point where this resolution should be adopted, if the \$423 million number was not a final number, if the per acreage numbers were firm, what staff’s position was on a Council sub-committee as requested by the stakeholders, if the stakeholders felt the working group would be streamlined if the resolution passes and Council members get involved, if the stakeholders feel an agreeable number can be reached, the \$423 million being viewed as a cap if this resolution is adopted, if the stakeholders were supportive of going forward with the resolution without a nexus study, Councilmember Westerlund offering to serve on the Council subcommittee, if the committee could be established this date, who the consultant was, if the average daily trip numbers in the resolution were MuniFinancial’s, if acreage numbers were estimates, if adopting the resolution was sufficient to meet legal requirements, specifics relative to the per acreage fees, Councilmember Sterling suggesting this matter be postponed until the new consultant supplies the fee analysis and including Council in the interim, concern that the southwest area still has the highest fees, the resolution allowing time to work out details and capture new fees starting tomorrow, concern with people being unable to pay the fees, process to appoint a Council sub-committee, if the study would justify the average per acre fees, gladness at hearing the stakeholders are on board this date, fee-waivers for the inner-city, there being less of a log jam now, and suggestion to still consider hiring a mediator.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2007-25 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Westerlund, Xiong, Perea  
Noes : Sterling  
Absent : None

President Perea directed staff to schedule an item on the agenda next week establishing a Council sub-committee, and Councilmember Duncan requested he be able to add information opposing that.

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**(4:15 P.M.) HEARING ON REZONE APPLICATION NO. R-06-50 AND ENVIRONMENTAL FINDINGS FILED BY RAAFAT L. SHEHATA, PROPERTY LOCATED ON THE EAST SIDE OF N. MAPLE BETWEEN E. NEES AND E. FALLBROOK AVENUES**  
**1. CONSIDER AND ADOPT E.A. NO. R-06-50, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**  
**2. BILL NO. B-4 - ORDINANCE NO. 2007-4 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20/UGM TO R-1/UGM**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question staff advised the report as submitted was complete and there was no new information to add.

Upon call, no one wished to be heard and President Perea closed the hearing.

Councilmember Duncan spoke briefly in support stating this was going to be a quality infill project and made a motion to approve staff's recommendation.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-4 rezoning the site adopted as Ordinance No. 2007-4, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent : None

- - - -

**(4:20 P.M.) HEARING ON REZONE APPLICATION NO. R-05-91 AND ENVIRONMENTAL FINDINGS FILED BY LENNAR HOMES, INC., PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. THIELE AND W. JOSEPHINE AVENUES**  
**1. CONSIDER AND ADOPT E.A. NO. R-05-91/T-5595/C-06-272, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**  
**2. BILL NO. B-5 - ORDINANCE NO. 2007-5 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-5/UGM TO R-2/EA/UGM**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Tackett advised the staff report as submitted was complete and there was no new information to add.

Applicant representative Mike Slater spoke in support of staff's recommendation and stated this was going to be a great project.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Calhoun spoke briefly to how his office and staff thought this property would have been affected if rail consolidation had been pulled off and stated fortunately that did not happen, a lesson was learned, and that area would be watched real closely, and made a motion to approve staff's recommendation. **(9 - 0)** Mr. Tackett and Mr. Slater responded briefly to questions of Councilmember Westerlund relative to PG&E high power lines, how the project will look under the lines, and if this will be part of a maintenance district.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-5 rezoning the site adopted as Ordinance No. 2007-5, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent : None

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**(4:30 P.M.) HEARING ON REZONE APPLICATION NO. R-05-82 AND ENVIRONMENTAL FINDINGS FILED BY LOUIE'S LLC, SOUTH SIDE OF E. ILLINOIS BETWEEN N. MINNEWAWA AND N. DEWITT AVENUES, AND DETACHMENT OF THE PROPERTY FROM THE KINGS RIVER CONSERVATION DISTRICT AND THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND ANNEXATION TO THE CITY**

**1. CONSIDER AND ADOPT E.A. NO. R-05-82/T-5585, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**

**2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 TO R-1**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Tackett advised the staff report was complete, and made a clarification to Page 5 of the report, Circulation Element/Paragraph 2, that staff determined there was a possibility of a prescriptive easement for the northern portion of Illinois Avenue.

Stanley Yates, 5448 E. Illinois, stated he thought the process had gone as far as it could go and questioned what was at issue this date and requested clarification of the prescriptive easement issue, with Planning Manager Unruh responding.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Dages stated he did not recall meeting with the developer or a representative, he was disappointed that staff did not notify him of a meeting held with the neighbors, and he was not clear on what was going to be built and made a motion to continue the hearing one week so he could meet with the developer.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the hearing on Rezone Application No. R-05-82 continued one week to January 30, 2007, at 10:50 a.m., by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent : None

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**(4:45 P.M.) HEARING ON REZONE APPLICATION NO. R-06-01 AND ENVIRONMENTAL FINDINGS FILED BY LENNAR HOMES, INC., SOUTH SIDE OF W. BARSTOW BETWEEN N. GRANTLAND AND N. GARFIELD AVENUES**

**1. CONSIDER AND ADOPT E.A. NO. R-06-01/T-5600, DETERMINATION OF INITIAL STUDY TO FILE A FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR**

**2. BILL NO. B-6 - ORDINANCE NO. 2007-6 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM RR TO R-1/UGM**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Braun advised the staff report as submitted was complete and there was no new information to add.

Speaking to the issue were: Mike Slater, representing the applicant, who commented briefly on the project and requested support; and Susan (last name inaudible), 5320 N. Garfield, who questioned what type of homes would be built and what the plans were for road access, with Mr. Slater responding.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Calhoun spoke briefly to the importance of Council's earlier action adopting the resolution of intention to capture new street impact fees noting this project consisted of 60 acres that were subject to the existing outdated fees, and requested staff inform Council of the first project that will be subject to the new fees.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, and the above entitled Bill No. B-6 rezoning the site adopted as Ordinance No. 2007-6, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong, Perea  
Noes : None  
Absent : None

- - - -

**(4:55 P.M.) HEARING ON PLAN AMENDMENT NO. A-05-25, REZONE APPLICATION NO. R-05-123, AND ENVIRONMENTAL FINDINGS FILED BY GRANVILLE HOMES, NORTH SIDE OF W. BULLARD BETWEEN N. GRANTLAND AND N. BRYAN AVENUES**

- 1. CONSIDER AND ADOPT E.A. NO. A-05-25/R-05-123, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION**
- 2. RESOLUTION NO. 2007-26 - AMENDING THE GENERAL PLAN AND WEST AREA COMMUNITY PLAN**
- 3. BILL NO. B-7 - ORDINANCE NO. 2007-7 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO R-2/UGM**

President Perea announced the time had arrived to consider the issue, opened the hearing, and upon his question Planner Sorensen advised the staff report as submitted was complete, there was no new information to add, and advised he received some opposition calls from area residents who would probably be present to speak.

Upon call, no one wished to be heard and President Perea closed the hearing.

Councilmember Calhoun noted some people just entered the Council Chamber and he assumed some wanted to speak to this issue whereupon the public hearing was reopened.

Speaking in opposition to the project citing concerns relative to traffic, safety, apartments, lack of green space, lack of infrastructure, lack of city services and/or lack of police presence in the area were: Tom Sappington, 6969 W. Oswego; Nellie Aguilar, 5905 N. LaVentana; Ms. (first name inaudible) Lor, 6907 W. Celeste; and Ray Marez, 6562 W. Morris.

Jeff Roberts and Darius Assemi of Granville Homes, 1396 W. Herndon, spoke in-depth to the project, associated issues/changes, and concerns expressed, and requested Council's support and that a condition be added to bring the CUP to Council rather than stopping at the Planning Commission level. President Perea left the meeting at 6:10 p.m. and was absent for the remainder of the meeting.

Continued speakers in opposition citing the same concerns expressed earlier were: Dave Perez, 6985 W. Oswego; John Beam, 5850 N. Sharaz; Andy Oliver, 6531 W. Morris; Anna Ayala, 6937 W. Oswego; Tom (last name inaudible), 6859 W. Celeste; and Jose Guterrez, 6838 W. Browning.

Upon call, no one else wished to be heard and Acting President Xiong closed the hearing.

At the request of Councilmember Calhoun, Traffic Engineering Manager Jones, City Attorney Sanchez and City Manager Souza responded and/or addressed speaker concerns, the traffic study that was conducted, staff's recommendation (**10 - 0**), and State requirements on what developers have to pay for schools. Councilmember Calhoun requested residents communicate any concerns relative to city services to him, advised as this project moved through the process he had not heard concerns until recently, clarified this would not be a subsidized housing project and spoke to general plan requirements/approach and his support for this project, stated he also supported the CUP coming to Council and requested the developer continue to meet with the area residents, and made a motion to approve staff's recommendation along with the condition that the developer meet with neighborhood residents for adequate communication.

Mr. Roberts, Mr. Jones and Mr. Assemi responded to questions of Councilmember Westerlund and Acting President Xiong and/or clarified issues relative to what the triangular piece of property to the east was designated for, if there were any conditions for street light/signal installations, if Bullard/Grantland was slated for signals/if it was on a priority list, Veterans Boulevard, when project construction would begin, if Grantland would be widened, and request that the developer go beyond the bare minimum in outreach/communication.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for the subject E.A. hereby approved, the above entitled Resolution No. 2007-26 hereby adopted, and the above entitled Bill No. B-7 rezoning the site adopted as Ordinance No. 2007-7, with the condition that the developer meet with neighborhood residents for adequate communication, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
Noes : None  
Absent : Perea

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**(5:00 P.M.) HEARING TO CONSIDER REPLACEMENT OF A MITIGATION MEASURE OF E.A. NO. A-06-002/R-06-028/T-5717 WITH SUBSTITUTE MITIGATION MEASURES, PLAN AMENDMENT APPLICATION NO. A-06-02, REZONE APPLICATION NO. R-06-28, AND ENVIRONMENTAL FINDINGS FILED BY GRANVILLE HOMES, NORTHEAST CORNER OF N. FOWLER AND E. CLINTON AVENUES**

**1. CONSIDER AND ADOPT SUBSTITUTE MITIGATION MEASURES**

**2. CONSIDER AND ADOPT E.A. NO. A-06-02/R-06-28/T-5717/C-06-88, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION**

**3. RESOLUTION NO. 2007-27 - AMENDING THE GENERAL PLAN AND MCLANE COMMUNITY PLAN**

**4. BILL NO. B-8 - ORDINANCE NO. 2007-8 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY 140 ACRES OF PROPERTY FROM AE-20 TO C-M/UGM FOR 80 ACRES, TO R-1/UGM FOR 47 ACRES, AND TO R-1-AH/UGM FOR 13 ACRES**

Acting President Xiong announced the time had arrived to consider the issue and opened the hearing.

Planner Pagoulatos gave an in-depth PowerPoint presentation on the issue, all as contained in the staff report as submitted.

Acting President Xiong commended Planning & Development Director Yovino for his leadership and staff for getting this accomplished with all the partners.

Jeff Roberts, Granville Homes, 1396 W. Herndon, elaborated further on the project including the history of the property and related issues, and stated this was a great opportunity for the city and commended staff and thanked Mr. Yovino for all he did.

Upon call, no one else wished to be heard and Acting President Xiong closed the hearing.

Councilmember Westerlund thanked the applicant and Mr. Yovino, stated he held the general plan in high regard and elaborated on the background of the property and his support for the project adding this was going to be a great addition and a worthy trade-off, stated he wanted left turn signals installed at Clovis & Olive and Clovis & Clinton Avenues, and made a motion to approve staff's recommendation. The motion was seconded by Councilmember Sterling who noted she was on the Planning Commission when this property was in its embryonic stage and stated this had been a difficult process getting to this point and this was a monumental step.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the finding for the substitute mitigation measures hereby approved and the substitute mitigation measures adopted, the environmental finding for the subject E.A. hereby approved, the above entitled Resolution No. 2007-27 hereby adopted, and the above entitled Bill No. B-8 rezoning the site adopted as Ordinance No. 2007-8 subject to conditions of zoning, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Xiong  
Noes : None  
Absent : Perea

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**(5:10 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed and met in joint session with the Redevelopment Agency at the hour of 7:10 p.m.

APPROVE AGENCY MINUTES OF DECEMBER 12, 2006

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the Agency minutes of December 12, 2006, approved as submitted.

**(“A”) JOINT COUNCIL/AGENCY HEARING TO CONSIDER MATTERS RELATING TO THE DEVELOPMENT OF THE HOBBS-PARSON BUILDING (PORTION OF THE CHERTA FARMS PROPERTY) IN THE CHINATOWN EXPANDED REDEVELOPMENT PROJECT AREA**

**1. JOINT RESOLUTION NO. 2007-28/1690 - APPROVING A MITIGATED NEGATIVE DECLARATION FOR THE HOBBS-PARSON BUILDING PROJECT, APPROVING THE DDA BETWEEN THE REDEVELOPMENT AGENCY, THE CITY OF FRESNO AND EIE ALPHA, LLC, AND MAKING CERTAIN RELATED FINDINGS**

Executive Director Murphey reviewed the issue, all as contained in the staff report as submitted, and a motion and second was made to approve staff’s recommendation.

Parking Manager Estabrooke stated this was a great day downtown and spoke briefly to other projects/development taking place, and Chair Sterling also spoke briefly in support of the project.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2007-28/1687 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund, Xiong, Sterling
Noes	:	None
Absent	:	Perea

**(“B”) APPROVE AND AUTHORIZE THE AGENCY EXECUTIVE DIRECTOR TO ENTER INTO A PURCHASE AND SALES AGREEMENT TO ACQUIRE THE BERKELEY BUILDING AT 887 FULTON MALL (APN 468-282-21) OWNED BY LEON AND ISRALEA GREEN, AND AUTHORIZE EXECUTION OF THE AGREEMENT**

Executive Director Murphey gave a brief overview of the issue, all as contained in the staff report as submitted.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Purchase and Sales Agreement between the Agency and the willing-seller hereby approved, and the Executive Director authorized to execute the agreement and take the necessary actions to close escrow, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Westerlund, Xiong, Sterling
Noes	:	None
Absent	:	Perea

The joint meeting was adjourned at 7:20 p.m.

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## ADJOURNMENT

There being no further business to bring before the City Council, the hour of 7:20 p.m. having arrived and hearing no objections, Acting President Xiong declared the meeting adjourned.

*Approved* on the \_\_\_\_30th\_\_\_\_ day of \_\_\_\_\_January\_\_\_\_\_, 2007.

_____/s/_____ Blong Xiong, Acting Council President	ATTEST: _____/s/_____ Yolanda Salazar, Assistant City Clerk
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